IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

WRIT PETITION NO. 301 OF 2006.

Globe Side Cars Pvt. Ltd. ... Petitioner.
V/s.
Municipal Corporation of Gr.
Mumbai & ors. ... Respondents.

Mr. R.A. Thorat with P.J. Thorat for the petitioner.

Mrs. A.R. Joshi for the respondents.

CORAM : V.C.DAGA, J.

DATED : 14.2..2006.

P.C. :

. Rule returnable forthwith.

2. Mrs. Joshi waives service on behalf of the respondents. By consent of parties,petition is taken up for final hearing. Perused petition with annexures thereto. Considering the consensus between the parties following order shall meet the ends of justice.

3. The petitioner shall be at liberty to make representation to respondent No.4 for regularisation of the mezzanine floor in Unit No.16-G, Laxmi Industrial Estate, Andheri(W), Mumbai- 400 058, pursuant to the order bearing No. KW/351/1543/BF, dated 18.11.2005 passed by the respondent No.3, within a period of 16 weeks from today.

4. Respondent No.4 shall consider the proposal submitted by the petitioner as per their policy and decide the same after giving an opportunity to the petitioner to produce relevant documents in support of its claim and shall pass reasoned order after granting opportunity of personal hearing.

5. In the event order is adverse to the petitioner, the same shall not be given effect to for a period of 4 weeks from the date of rejection of the regularisation proposal so as to enable the petitioner to resort to an appropriate remedy in accordance with law.

5. Pending the decision on the proposal made by the petitioner, the respondent No.4 shall not take any action for demolition/removal of any part of mezzanine floor in question.

6. In the event,respondent No.4 comes to the conclusion that portion of the mezzanine floor is in excess of half the total area of the aforesaid unit and as such cannot be regularised, the petitioner shall remove the said portion within 4 weeks from the date of communication of the order. If petitioner fails to remove the said excess portion of the mezzanine floor, if any, within three weeks as stated above, it would be open for the Corporation to demolish the said excess portion,

after expiry of four weeks as mentioned above.

7. Writ Petition stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA,J.)